IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.187 OF 2006

IN

SUMMARY SUIT NO.3326 OF 2005

...

Sunrise Packaging Industries ...Plaintiff

v/s.

M/s.Peerless Fabrikene India Ltd. ...Defendant

...

Mr.K.R.Parekh i/b K.R.Parekh & Co. for the Plaintiff.

Mr.P.A.Sawant for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 7TH AUGUST, 2006

P.C.:

1. The Plaintiff has filed the suit for recovery of the price of the goods supplied by the Plaintiff. Defendant has admittedly been served with the summons for judgment. It has not filed any reply.

2. Perusal of the documents filed along with the plaint shows that the Defendant has admitted that the amount is due on more than one occasion. Firstly, therefore, in the absence of any application filed for leave to defend within the time allowed by Order XXXVII of CPC, the Plaintiff is entitled to judgment and secondly because the Defendant has admitted the claim more than once, the Plaintiff is entitled to judgment.

3. Summons for judgment is, therefore, granted. Suit of the plaintiff is decreed in terms of prayer clause of the suit. But the rate of interest shall be 12% p.a. and not 24% p.a. as stated in the plaint. Refund of court fees as per rules.

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